

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CONDALISA LEGRAND, et al.,

Plaintiffs,

v.

ABBOTT LABORATORIES,

Defendant.

Case No. 22-cv-05815-TSH

**DISCOVERY ORDER**

Re: Dkt. No. 81

Plaintiff moves to compel Abbott to use Plaintiff's proposed versions of Terms 1-8 and 17. ECF No. 81 & Ex. 12. The Court **GRANTS** the motion.

For Terms 1-6, the dramatic effect of adding the "Ensure" limitation raises a strong inference that employees affiliated with Ensure are unlikely to mention the brand expressly every time they discuss relevant topics. That means the "Ensure" limitation is not a reasonable one and that it likely screens out relevant documents. Abbott's burden argument is hard to evaluate. Given the similarities between the Terms, you can't just add up the reviewable documents for each Term to come up with a total because it is likely that the same documents hit multiple Terms.

For Terms 7, 8 and 17, we're not talking about many documents, and Abbott's proposed revisions to the search terms don't make a big difference anyway.

Accordingly, Plaintiff's motion is **GRANTED**.

**IT IS SO ORDERED.**

Dated: March 6, 2024

  
THOMAS S. HIXSON  
United States Magistrate Judge